

### **REMARKS**

Claims 14, 17 through 19, 21 through 24, 27, 28, 31, 34 through 37 and 39 through 41 remain pending in the present application. Claims 14, 18, 19, 28, 36 and 37 have been amended in order to more distinctly claim the subject matter regarded as the invention. Claim 35 has been amended in order to address a minor informality. Claims 1 through 13 directed to the non-elected invention have been canceled without prejudice or disclaimer of subject matter.

Claims 14, 17 through 19, 21 through 24, 27, 28, 31 through 37 and 39 through 41 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicants traverse this basis for rejection and respectfully request reconsideration and withdrawal thereof, in view of the amendment submitted herewith.

### **Rejection under 35 U.S.C. §112**

The Examiner has rejected claims 14, 17 through 19, 21 through 24, 27, 28, 31 through 37 and 39 through 41 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has taken the position that:

The claims are indefinite in that the Markush Group of carriers contains the term "compositions". This term is inclusive of all the other members of the Markush Group. The Markush Group also contains "lipid foams" and "foams". These terms are coextensive. As a result, the metes and bounds of the claimed Markush Group are indefinite. Correction of the above would place the application in condition for allowance.

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While not necessarily agreeing with or acquiescing in the instant rejection, the applicants have amended claims 14, 18, 19, 28, 36, 37 in order to address the issue raised by the Examiner, thus rendering this rejection moot.

In view thereof, it is respectfully requested that the grounds for rejection of claims 14, 17 through 19, 21 through 24, 27, 28, 31 through 37 and 39 through 41 under U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, be removed.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-2478(14758).

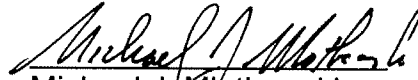
In view of the foregoing, it is respectfully submitted that the present claims are in condition for allowance. Prompt notification of allowance is respectfully solicited.

If the Examiner has any questions or wishes to discuss this application,

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the Examiner is invited to contact the undersigned representative at the number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Mlotkowski", is written over a horizontal line.

Michael J. Mlotkowski  
Reg. No. 33,020  
Attorney for Applicants  
703-584-3270

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CORRESPONDENCE ADDRESS:

Roberts Mlotkowski Safran & Cole  
P.O. Box 10064  
McLean, VA 22102